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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JONATHAN AGUILAR, et al.

Defendants.

No.: CR 18-0119 RS

STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING MOTION HEARING

On March 9, 2020, and April 17, 2020, various defendants filed motions for discovery. (Dkt. 251-253, 264-267). On May 22, 2020, the government filed responses to those motions. (Dkt. 280, 281). Various defendants have since filed replies and joinders to those replies. (Dkt. 285-288). These motions are currently set for hearing before the Honorable Joseph C. Spero on July 28, 2020, at 10:00 a.m. (Dkt. 276.)

Initially, counsel for defendants want to inform the Court that a number of defendants have contracted COVID-10 and are in quarantine. This fact has made it impossible for counsel to meaningfully meet and consult with their clients. The ongoing pandemic has also affected the government's efforts to gather and produce discovery.

1 Moreover, General Orders 72-3, 73, and subsequent direction from the Court, in-person court
2 appearances are currently limited to ten or fewer individuals in a courtroom. Here, as many as eight
3 defendants wish to be personally present for the hearing on the outstanding discovery motions. Given
4 the current pandemic-related restrictions on the number of personally present participants, the parties
5 agree that the hearing scheduled for July 28, 2020, at 10:00 a.m. should be continued. Upon consulting
6 with one another and court staff, the parties have agreed upon a new hearing date of **November 12,**
7 **2020, at 10:00 a.m.**

8 In the meantime, the parties continue to meet and confer informally by telephone on various
9 discovery issues, in an effort to explore resolutions without calling on the Court's intervention. For
10 instance, pursuant to a request in late 2019 by defense counsel, the government has been gathering and
11 producing on a rolling basis various law enforcement reports and materials for alleged 19th Street and
12 16th Street gang members. Additionally, after informal consultation with various defense counsel, the
13 government has started gathering materials related to follow-up requests from the defense, based in part
14 on reports previously produced in discovery and in part on anticipated expert witness testimony. In
15 particular, the defendants have made informal Rule 16 discovery requests by letter pertaining to charged
16 murders and attempted murders.

17 On June 1, 2020, the government provided preliminary notice of expert witnesses, as well as a
18 response for notice of *Bruton* materials. As a follow up, on June 25, 2020, Mr. Rebolledo, acting on
19 behalf of all defendants, made a request for expert disclosures. The government has prepared and
20 produced a supplemental production of more than 600 pages of materials that will bear on anticipated
21 expert witness testimony (including Firearms and Toolmarks and fingerprint identification).

22 The government is in the process of gathering and preparing for discovery production similar
23 materials pertaining to autopsies of deceased victims and medical treatment of surviving victims, in
24 connection with incidents charged in the pending indictment. Similarly, the government is in the
25 process of gathering and preparing for discovery production remaining gang discovery from SFPD gang
26 task forces and the SF Sheriff related to all defendants in both indictments and an agreed-upon list of
27 other purported gang members.

28 With respect to all of the outstanding requests set forth above, the government anticipates

1 producing responsive discovery on a rolling basis, including a production planned for late in the week of
 2 July 20.

3 In short, the parties are making a good-faith effort to keep the case moving forward, while trying
 4 to resolve as many pretrial issues informally as they can, in order to narrow and refine the list of issues
 5 that they feel must be heard and determined by the Court. The parties will be submitting a separate
 6 stipulation and proposed order to Judge Seeborg requesting an exclusion under the Speedy Trial Act.

7 Based on the above, IT IS HEREBY STIPULATED, by the parties through their undersigned
 8 counsel, that the [Proposed] Order set out below may (with the Court's concurrence) be filed and issued.

9 SO STIPULATED.

10 Dated: July 21, 2020

DAVID L. ANDERSON
 United States Attorney

11
 12 By: /s/
 ANDREW M. SCOBLE
 RAVI T. NARAYAN
 Assistant United States Attorneys

13
 14
 15 Dated: July 21, 2020

/s/
 MARTHA BOERSCH
 Counsel for Jonathan Aguilar

16
 17 Dated: July 21, 2020

/s/
 BRIAN H. GETZ
 Counsel for Luis Cid-Salinas

18
 19 Dated: July 21, 2020

/s/
 JULIA MEZHINSKY JAYNE
 Counsel for Juan Carlos Gallardo

20
 21 Dated: July 21, 2020

/s/
 HARRIS BRUCE TABACK
 Counsel for Orlando Carlos Hernandez

22
 23 Dated: July 21, 2020

/s/
 MARK GOLDROSEN
 PAM HERZIG
 DONALD KNIGHT
 AMY P. KNIGHT
 Counsel for Michael Rebolledo

24
 25
 26
 27 Dated: July 21, 2020

/s/
 GEORGE C. BOISSEAU
 Counsel for Mario Reyes

1 Dated: July 21, 2020

/s/
SHAFFY MOEEL
JAMES S. THOMSON
Counsel for Eddy Urbina

4 Dated: July 21, 2020

/s/
ETHAN A. BALOGH
Counsel for Weston Venegas

7 [PROPOSED] ORDER

8 Based on the stipulations of the parties, THE COURT ORDERS THAT:

- 9 **1.** The motion hearing set for July 28, 2020, at 10:00 a.m. is continued to **November 12,**
10 **2020 at 10:00 a.m.**

11 IT IS SO ORDERED.

13 DATED: July 21, 2020


HON. JOSEPH C. SPERO
U.S. CHIEF MAGISTRATE JUDGE